

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

IN RE: HAWAII STATE ASBESTOS) CIVIL NO. 11-00405 LEK-KSC
CASES)
)
This Document Applies To:)
)
ROGER E. NELSON and ROSALIE)
J. NELSON,)
)
Plaintiffs,)
)
vs.)
)
CRANE COMPANY, etc., et al.,)
)
Defendants.)
)

**ORDER GRANTING DEFENDANT IMO INDUSTRIES INC.'S
MOTION TO STAY ALL PROCEEDINGS PENDING DECISION ON
TRANSFER BY THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION**

Before the Court are: Plaintiffs Roger E. Nelson and Rosalie J. Nelson's ("Plaintiffs") Motion to Remand, filed June 30, 2011 (dkt. no. 7); and Defendant IMO Industries Inc.'s ("IMO") Motion to Stay All Proceedings Pending Decision on Transfer by the Judicial Panel on Multidistrict Litigation ("Motion to Stay"), filed July 28, 2011 (dkt. no. 41). On August 8, 2011, IMO and Defendant Crane Company ("Crane") each filed a memorandum in opposition to the Motion to Remand (dkt. nos. 49, 47). On August 15, 2011, Crane filed a joinder in IMO's memorandum in opposition (dkt. no. 50), and Plaintiffs filed their reply (dkt. no. 52). On August 24, 2011, Defendant Air & Liquid Systems Corporation, successor-by-merger to Buffalo Pumps,

Inc. ("Buffalo") filed a joinder in Warren Pumps, LLC's memorandum in opposition (dkt. no. 55). Plaintiffs filed their memorandum in opposition to the Motion to Stay on August 8, 2011 (dkt. no. 45), and IMO filed its reply on August 15, 2011 (dkt. no. 51).¹

These matters came on for hearing on August 29, 2011. Appearing on behalf of Plaintiffs were Gary Galiher, Esq., L. Richard DeRobertis, Esq., Diane Ono, Esq., Ilana Waxman, Esq., Todd Eddins, Esq., Michael Ragsdale, Esq., Scott Saiki, Esq., and Clarisse Kobashigawa, Esq. Appearing on behalf of IMO were Ewing Martin, III, Esq., and Bradford Chun, Esq.² Appearing on behalf of Crane were Lee Nakamura, Esq., and Joseph Kotowski, III, Esq. Appearing on behalf of Buffalo were Steven Hisaka, Esq., and James Scadden, Esq. Appearing on behalf of Ingersoll were John Lacy, Esq., and Corlis Chang, Esq. Appearing on behalf of Goulds was Christopher Goodwin, Esq.³ After careful

¹ On August 8, 2011 and August 16, 2011, Defendant Ingersoll Rand Co. ("Ingersoll") and Defendant Goulds Pumps, Inc. ("Goulds"), respectively, each filed a statement of no opposition to the Motion to Stay. [Dkt. nos. 46, 54.]

² Mr. Martin and Mr. Chun also appeared on behalf of Defendants Aurora Pump Company, and Warren Pumps, LLC.

³ Counsel for the following parties, which did not respond to either motion, also appeared at the hearing: Gail Kang, Esq., for Defendants Bayer Cropscience, Inc., successor in interest to Rhone-Poulenc AG Company, formerly known as Amchem Products Inc., formerly known as Benjamin Foster Products Company, and Union Carbide Corporation; Craig Kugisaki, Esq., for Defendant
(continued...)

consideration of the motions, supporting and opposing memoranda, and the arguments of counsel, IMO's Motion to Stay is HEREBY GRANTED for the reasons set forth in this Court's Order Granting Defendant's Motion to Stay All Proceedings Pending a Decision on Transfer by the Judicial Panel on Multidistrict Litigation, filed in CV 11-00400 LEK-KSC on September 26, 2011 (dkt. no. 95). The instant case, including Plaintiffs' Motion for Remand, is HEREBY STAYED until **November 8, 2011**.

IT IS SO ORDERED.

DATED AT HONOLULU, HAWAII, September 26, 2011.



/S/ Leslie E. Kobayashi
Leslie E. Kobayashi
United States District Judge

**IN RE: HAWAII STATE ASBESTOS CASES; ROGER E. NELSON, ET AL. V.
CRANE COMPANY, ETC., ET AL; CIVIL NO. 11-00405 LEK-KSC; ORDER
GRANTING DEFENDANT IMO INDUSTRIES INC.'S MOTION TO STAY ALL
PROCEEDINGS PENDING DECISION ON TRANSFER BY THE JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION**

³(...continued)

Metropolitan Life Insurance Company; Michael O'Connor, Esq., for Defendant the William Powell Company; Erica Mullen Chee, Esq., for Defendant Georgia-Pacific Corporation; Cathy Gee Kong, Esq., for Defendant Kaiser Gypsum Company, Inc.; Aimee Oyasato, Esq., for Defendants John Crane, Incorporated, Cleaver-Brooks, Inc., and the Lynch Co., Inc.; and John Montalbano, Esq., for Defendant Kelly-Moore Paint Company, Inc.